

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JOHN W. FORESTER,

Plaintiff,
vs.

Civil Action 2:08-CV-29
Judge Watson
Magistrate Judge King

JIM KARNES, Sheriff, et al.,

Defendants.

REPORT AND RECOMMENDATION

Service of process was completed by the United States Marshal Service on defendant Karnes on October 27, 2008, Doc. No. 10, and on defendant Haynes on October 28, 2008, Doc. No. 11. Pursuant to the Court's Order, Doc. No. 9, defendants had 45 days after receipt of service to respond to the *Complaint*. Defendants' December 11, 2008 answer, Doc. No. 15, was therefore timely filed.

It is therefore **RECOMMENDED** that plaintiff's motion for default and judgment, Doc. No. 14, be **DENIED**.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within ten (10) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. §636(b)(1); F.R. Civ. P. 72(b). Response to objections must be filed within ten (10) days after being served with a copy thereof. F.R. Civ. P. 72(b).

The parties are specifically advised that failure to object to the *Report and Recommendation* will result in a waiver of the right to *de novo* review by the District Judge and of the right to appeal the decision of the District Court adopting the *Report and Recommendation*. See *Thomas*

v. Arn, 474 U.S. 140 (1985); *Smith v. Detroit Federation of Teachers, Local 231 etc.*, 829 F.2d 1370 (6th Cir. 1987); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

December 17, 2008

s/Norah McCann King
Norah McCann King
United States Magistrate Judge